



2. Plaintiffs filed two separate but identically pleaded ADA complaints against shopping centers operated by Defendant entitled Outerbridge Access Association/Diane Cross vs. Mira Mesa Market Place West, LLC.; Home Depot U.S.A. Case No.:08 CV 0046 JM JMA and Outerbridge Access Association/Diane Cross vs. Mira Mesa Market Place East; Ross Dress for Less, LLC. et. al. Case No.: 08 CV 0045 BTM CAB. The two shopping centers neighbor each other and are divided by Westview Parkway Road, in San Diego California.

3. On February 12, 2008, Defendant Mira Mesa Marketplace filed similar Motions to Dismiss State law claims in both cases. In the Mira Mesa West case, Plaintiffs decided to amend their complaint dismissing all State law claims. Attached hereto as Exhibits "A" and "B" are true and correct copies of Plaintiff Outerbridge Access' Opposition to Defendants Motion to Dismiss Supplemental State Law Claims and the Court's Order Granting Motion to Amend in Outerbridge Access Association/Diane Cross vs. Mira Mesa Market Place West, LLC.; Home Depot U.S.A. Case No.:08 CV 0046 JM JMA .

4. In another recent ADA case filed against Defendant Mira Mesa Marketplace West, Kohler vs. Mira Mesa Marketplace East, et al. No. 06CV2399 WQH (POR), (SD Cal. June 4, 2007.), the Court recently dismissed the State law claims from Plaintiff's complaint. In that case, Plaintiff Kohler decided to dismiss his entire case, reserving the right the re-file both State and Federal law claims in San Diego Superior Court.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct and that this declaration was executed on April 1, 2008 at Cardiff, California.

*/s/ Timothy G McNulty*

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TIMOTHY G. MCNULTY